UNITED STATES PATENT AND TRADEMARK OFFICE

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08/948,530	10/09/1997	ALEC MILOSLAVSKY	P3253	7093

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CENTRAL COAST PATENT AGENCY		NGUYEN, STEVEN H D

PO BOX 187
AROMAS, CA 95004

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

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Commissioner for Patents

This case has been returned by the board appeal for correcting an inconsistency between the heading entitled, "Prior Art of Record" and "Grounds of Rejection." Under the heading "Grounds of Rejection," the examiner identifies five references Ginsberg (6,064,730), Becker (6,366,575), Bateman (5,884,032), Andrews (5,848,143) and Becker (6,044,144) to support the rejections of claims 6-9 and 14-16 under 35 USC 103(a). However, Becker references, which include Bateman (5,884,032) and (6,044,144), were not cited as being relied upon under the heading of Prior Art of Record. should be noted that only those references relied on to sustain the rejection should appear under the heading Prior Art of Record. The examiner corrects these typo errors. A corrected examiner answer is attached. The case has been forwarded to the board appeal.

Steven HD Nguyen
Primary Examiner
Art Unit: 2665

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 42

Application Number: 08/948,530
Filing Date: October 09, 1997
Appellant(s): MILOSLAVSKY, ALEC

Donald R. Boys
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/12/04.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 6-9 and 14-16 stand or fall together because appellant's brief does

not include a statement that this grouping of claims does not stand or fall together and reasons in

support thereof. See 37 CFR 1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   ***Prior Art of Record***

6,064,730	GINSBERG	5-2000
6,044,144	BECKER	3-2000
5,848,143	ANDREWS	12-1998
5,884,032	BATEMAN	3-1999

(10)   ***Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg

(USP 6064730) in view of Becker (USP 6044144).

Regarding claims 6-8, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8)

an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT

calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent

workstation at a center), comprising an initial call-processing system in the Internet receiving

IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet

call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP)

processor routing the incoming IPNT calls to selected agent addresses at the at least one call

center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a

call; See col. 4, lines 1-37) by using activity information, including one or more of call volume,

agent status, and agent skills, received from the at least one call center to select the agent

addresses at agent workstations in the at least one call center to route the incoming IPNT calls

(Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63) and a SCP which connects to CTI via an

internet (See col. 4, lines 1-38 and Fig 2, Ref 250 and 275). However, Ginberg fail to disclose a

SCP which receives the agent information from a plurality of call center for storing in the database in order to route the incoming calls to the call center. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a method and system which including a call center router and a collect data server having a database which stores the received about the status of the agents at the call center (Fig 2, Ref 36 is call routing center and Ref 38 CTI data collection server for collecting the status of the agents of the call center for storing into its database and call center router using this information to route the incoming calls to the call center) in order to route the incoming calls to the call centers to the agents (See col. 7, lines 34 to col. 9, lines 43) and a plurality of workstations which couples to a LAN (Fig 1, Ref 54 is a work stations and Ref 56 is a LAN).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to couple a plurality of call centers with internet for reporting the agent information to a data collect server and retrieve and using the information to route the incoming calls to the call center as disclosed by Becker's system and method into Ginsberg's system. The motivation would have been to perform a load balancing between the call centers in order to reduce a waiting time of a call center.

2.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg and Becker in view of Bateman (USP 5884032).

Ginberg does not disclose a CTI and a plurality of computers are connected on a LAN and a data server for storing customer information. However, in the same view of endeavor, Bateman discloses a call center discloses a CTI, data server and computers are connected on a LAN (Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a local area network at a call center for connecting a plurality of

computers as disclosed by Bateman into the system of Becker and Ginsberg call routing system.

The motivation would have been to reduce cost of the call center. Even without, the teaching of

Bateman, one of ordinary skill in the art would know how to connect the computers together

using a LAN because LAN is well known and expected in the art.

3.   Claims 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Andrews et al (USP 5848143) in view of Becker (USP 6044144).

Andrews teaches (Figs 1-15 and col. 1, lines 15 to col. 17, lines 61) an Internet protocol

network telephony system having a routing server (48 or 480) and database (54 or 476) for

routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT

capable center (400), comprising an initial call-processing system (48 or 408 for receiving an

incoming call and routing the call to agent based on the collected database) in the Internet for

receiving calls from customers (410,412) in the Internet (408); the routing server routes the

incoming calls to the agents using stored and processed information in the database (historical

information) about transactions including agent skill, status, availability, etc. See col. 6, lines

31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See

figure 9, col. 11, and lines 39-67. Andrews differs from the claim in that Andrews database is

within the call center as opposed to being located remotely from the call center; located in the

Internet and routing the incoming call to the call centers. In the same field of endeavor, Becker

discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a SCP (Fig 2, Ref 36 and 38 which

stores the information about the call centers and using this information for routing the incoming

call); CTI processor (Fig 2, Ref 60a) for collecting the information about the call center and

transfer it to a data collected server and call center router (the Ref 38 and 36 of Fig 2 which used

to route the incoming calls to the call centers; See col. 7, lines 34 to col. 9, lines 43). Therefore,

it would have been obvious to one skilled in the art to apply the teaching of Becker into

Andrews' system to have the database located remotely from the call centers with the motivation

being to share the information among the call center and to enhance the reliability of the sharing

even in the case the call center being overload in the internet telephony.

(11)   ***Response to Argument***

The appellant states that Ginsberg fails to teach an SCP and the components that used to

route the call from the customers to the agent at the Internet level. In reply, Ginsberg discloses a

control and signaling module which couples to the data base such as 352, 354 and 356 including

the information such agent skill, agent status etc for using to route the incoming call from a

server 200 to an available agent 350 and 375 at the call center 250 which is Internet base switch

wherein the call center connects with control and signaling module via internet link. The control

and signaling module reads on SCP which used to store information about agents of the call

center and collects the information about the agents from Internet based switch of the call center.

The SCP is not located at the call center 250. The Internet protocol is applied to the components

for routing the incoming calls to the agents, so these components are at Internet level because it

used Internet protocol for routing the incoming calls (See Fig 2 and col. 3, lines 65 to col. 4, lines

37). Furthermore, the appellant states that Becker fails to disclose a database, which stores the

information about the available of the agents of the call centers for using to route a call to an

agent at the call center. In reply, Becker discloses a CTI data collection server 38 for collecting

data at the network level from the call centers via Internet 26 from CTI server 60 (See col. 8,

lines 4-63). When a call center router receives a call, it uses the collected information at CTI

collection server 60 to determine which call center has an available agent and route the call to

that call center (col. 8, lines 56 to col. 9, lines 10).

The appellant states that Andrews fails to teach an enabling disclosure in order to allow a

communication between routing server and a SCP in the Internet for routing a call to the call

center based on the information was stored at the SCP. In reply, Andrews discloses a database

54 is connected to the routing server 48 in Fig 2 and database 476 is connected to the routing

server 480 in figure 10 by using the network level for routing the incoming call to the agent at

the call center via Internet. The database "same as database of SCP" which communicates with a

routing server by using a TCP/IP protocol (See col. 11, lines 39 to col. 12, lines 20 and col. 8,

lines 24-39 wherein the controller which collects the information of the agent and using this

information for routing a call to an agent wherein controller includes a database "SCP" and

router "call router" as showed in fig 2). Furthermore, the appellant states that Becker fails to

disclose a database, which stores the information about the available of the agents of the call

centers for using to route a call to an agent at the call center. In reply, Becker discloses a CTI

data collection server 38 for collecting data at the network level from the call centers via Internet

26 from CTI server 60 (See col. 8, lines 4-63). When a call center router receives a call, it uses

the collected information at CTI collection server 60 to determine which call center has an

available agent and route the call to that call center (col. 8, lines 56 to col. 9, lines 10).

The appellant states that none of prior arts disclosed a SCP in the Internet. In reply, the

SCP is a device, which includes a database for receiving incoming message and selecting a

destination within the database for routing the call. So, the teaching of Andrews, Ginsberg and

Becker disclose the SCP in the Internet because a collected database of these references includes

the information of the agents for using to route an incoming call to the agent at a call center by

using network level.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Steven HD Nguyen
Primary Examiner
Art Unit 2665

Steven Nguyen
September 22, 2005

Conferees
Huy Vu
Duc Ho

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004